

B2  
could three dimensional deformation profile [is a] in the form of a W  
profile.

---

**REMARKS**

Applicants have carefully reviewed the above-identified application in light of the Office Action dated November 15, 2001. Claims 1-14 remain presented for examination. Claims 1 and have been amended to define still more clearly what Applicants regard as their invention and in particular to overcome the formal rejection under 35 U.S.C. § 112.

Claims 1-14 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The claims have been carefully reviewed and amended as deemed necessary to ensure that they conform fully to the requirements of Section 112, with special attention to the points raised in the Office Action. It is believed that the corresponding rejections under Section 112 have been obviated, and their withdrawal is therefore respectfully requested.

Claim 1 stands rejected under 35 U.S.C. § 103 as obvious over U.S. Patent 5,171,302 (Buell). Claims 12 and 13 stand rejected under 35 U.S.C. § 103 as obvious over Buell in view of U.S. Patent 5,505,719 (Cohen). Claim 14 stands rejected under 35 U.S.C. § 103 as obvious over Buell in view of U.S. Patent 5,891,121 (Redwine). Applicants respectfully traverse for the reasons of record and further in view of the following remarks.

Claim 1 is the only independent claim. As defined by the amended independent claim 1, the present invention is directed to a sanitary napkin that is characterized as having 1) a thickness less than about 5mm, 2) a pair of linear adhesive zones that extend along said longitudinal axis and are adjacent to respective side edges of the sanitary napkin and 3) a preferential bending line extending obliquely in relation to said longitudinal axis on said main body, said preferential bending line extending from one longitudinal side area of the sanitary napkin to an opposite longitudinal side area, crossing the longitudinal axis of the sanitary napkin. As understood by Applicants, Buell relates to an absorbent article with a central hinge. It is respectfully submitted that Buell fails to teach or fairly suggest the above expedients.

With regard to the expedient of requiring the napkin to have a thickness less than 5 mm, it is respectfully submitted that the Buell reference fails to disclose or suggest sanitary napkins having a thickness less than about 5 mm. To the contrary, Buell expressly teaches sanitary napkins having a thickness greater than 5 mm. More particularly, the Buell reference, at column 9, lines 7-8 discloses that the thickness of the absorbent core is 4.6 mm. Further at column 9, lines 46-49, the Buell reference discloses that the deformation element has a thickness of from 1.25 to 2.5 mm, preferably 1.75 to 2.0 mm. The combined thickness of these two components alone ranges from 5.85 to 7.1 mm. Accordingly, the resultant sanitary napkin, having these two components plus a cover layer, barrier layer and any other materials that Buell discloses that may be present in the sanitary napkin clearly exceeds the express

limitation that the thickness of the sanitary napkin be less than 5 mm. Applicants have found no disclosure within the Buell reference suggesting that the thickness of the absorbent system be decreased. In addition, Applicants pointed out this distinction in its previous response of record. The Patent Office did not dispute this distinction. Should the Patent Office persist in the present rejection, Applicants respectfully request page and line number support for its position that such a disclosure or suggestion is within the four walls of the Buell reference.

In addition to the foregoing, a further important feature of the present invention is that the main body of the napkin comprises a preferential bending line which extends obliquely in relation to the main body's longitudinal axis, this bending line extends from one longitudinal side area to the other and thereby crosses the longitudinal axis. The basis of the current rejection states that "Although the line of bending lines of the sanitary napkin have not been depicted as crossing the longitudinal axis, and if they were allowed to extend slightly prior to the base of the configuration, the lines would cross the longitudinal axis." Not only does this statement clearly confirm that the Buell reference does not teach or suggest the expedient of a preferential bending line which extends obliquely in relation to the main body's longitudinal axis which extends from one longitudinal side area to the other and crosses the longitudinal axis, it fails to provide the necessary motivation that would direct one of ordinary skill in the art to modify the Buell reference in the manner suggested by the Examiner. The Examiner has clearly stated on the record that the bending lines

have not been depicted. Moreover, the Patent Office has failed to identify anything within the cited reference to suggest that the proposed modification would be desirable to one of ordinary skill in the art. The conclusory statement that "The extension of the preferential bending lines to encompass the entire sheet would be an obvious modification of Buell" is not only totally unsupported by the cited reference but the Patent Office has also failed to provide any support for the current position. The MPEP, at page 2143 expressly recognizes that the initial burden is on the Examiner to provide some suggestion of the desirability of doing what the inventor has done. The present Office Action is silent with regard to the desirability of modifying Buell in the manner suggested and accordingly, the Patent Office has not established a prima facie case of obviousness.

Moreover, the Buell reference is directed to forming a "W" shape in the sanitary napkin. Modifying the deformation element in accordance with the suggestion of the Patent Office does not aid or inherently result in the formation of a "W" shape in the described sanitary napkin. Buell does not disclose or suggest any benefit in extending the preferential bending lines in the manner suggested by the Patent Office. Thus, the modification of this reference appears to be based solely upon Applicant's present specification and not on what the prior art teaches and is clearly contrary to established principles of patent law.

Moreover, Applicants submit that the presence of bending lines extending obliquely to Buell's central preferential bending zone is not only not obvious but is counter intuitive.

That is, one would expect that creating oblique lines by perforations, slits, cuts and especially embossing (referencing page 2, line 29 of the specifications) across a bending zone would interfere with the bending function. Applicants respectfully maintain that this claimed feature of independent claim 1 is not taught nor suggested by the Buell patent. Further, Redwine fails to remedy this deficiency of the prior art. Consequently, the present invention as defined by independent claim 1 is deemed patentable over the combination of Buell and Redwine.

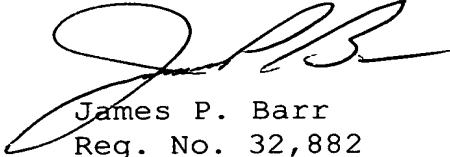
Accordingly, Applicants maintain that this claimed feature of independent claim 1 is not taught nor suggested by the Buell patent. Further, Cohen and/or Redwine fail to remedy this deficiency of the prior art. Consequently, the present invention as defined by independent claim 1 is deemed patentable over the combinations of Buell, Cohen and/or Redwine.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against claim 1. This claim is therefore believed patentable over the art of record.

The other claims in this application are each dependent from claim 1 discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing, Applicants respectfully request reconsideration and allowance of the pending claims.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'J. P. Barr', with a large, stylized initial 'J'.

James P. Barr  
Reg. No. 32,882  
Attorney for Applicant(s)

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-2826  
February 15, 2001